IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 2557 of 1995**

Between:

T.Vinod Kumar , S/o. T.L.Narsimha Rao,
R/o. B-11, F-4, Vijayanagar Colony, Hyd-500 457.

**..... PETITIONER**

AND

The Director of School Education,
Saifabad, Hyderabad.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction particularly one in the nature of Writ of Mandamus and further this Hon'ble Court may be pleased to direct the Respondent to correct the date of birth of the Petitioner as 17.11.1964 in S.S.C.Certificate in view of the judgment and decree passed in A.S.No.15/88 by the Sub-ordinate Judge and return the original S.S.C..Certificate after making necessary corrections and pass.

**Counsel for the Petitioner:MR.J. ASHWINI KUMAR**

**Counsel for the Respondent : GP FOR SCHOOL EDUCATION**

**The Court made the following :**

**ORDER:**

This Writ Petition is filed to direct the respondent to correct the date of birth of the petitioner as 17-11-1964 in S.S.C. certificate in view of the judgment and decree passed in A.S.No. 15 of 1988 on the file of the Subordinate Judge at Suryapet, Nalgonda and to return the original S.S.C. certificate after making necessary corrections.

The facts in brief are that the correct date of birth of the petitioner is 17-11-1964 and due to mistake the same was wrongly recorded as 28-2-1963 in his school records and in the S.S.C. certificate. That on noticing the said mistake the petitioner filed a suit in O.S.No. 1110 of 1985 on the file of the District Munsiff, Suryapet, Nalgonda for declaration of his date of birth as 17-11-1964. On consideration of the matter, the District Munsiff dismissed the suit. Aggrieved by the same, the petitioner filed an appeal in A.S.No.15 of 1988 on the file of the Subordinate Judge, Suryapet, Nalgonda and the same was allowed by order dated 14-11-1990. Pursuant thereto, the petitioner approached the respondent and submitted the original S.S.C. certificate along with the certified copies of the judgment and decree in A.S.No.15/88 and requested to change the date of birth. Now the grievance of the petitioner is that no action was taken by the respondent for carrying out the necessary correction of his date of birth in the relevant records and S.S.C. certificate. Hence, the present writ petition.

The respondent filed counter affidavit stating that as per the procedure the petitioner has to approach the official concerned in the Education Department for correction of date of birth in terms of Rules made in G.O.Ms.No.1263 dated 6-5-1961, G.O.Ms.No.898 dated 29-8-1977 and G.O.Ms.No.1348 dated 15-12-1981. It is alleged that the petitioner instead of following the said procedure, laid down in the

said G.O. has directly approached the Court of law for correction of date of birth. It is also stated that as per the orders issued in G.O.Ms.No.898 dated 29-8-1977, for correction of date of birth, a time limit of three years from the date of completion of SSC is prescribed and the petitioner has approached the Education Department only 15 years, after completion of his S.S.C. standard.

Learned Government Pleader for Education submitted that the petitioner has failed to approach the department within the period of three years and even in the appeal there is no direction to the respondent to carry out the date of birth. It is submitted that the petitioner has not followed the due procedure contemplated under Rules issued in the aforementioned G.Os for correction of date of birth and the same cannot be done at this belated stage.

Heard the learned counsel for the petitioner and learned Government Pleader for School Education.

As per the Rules issued by the Government in G.O.Ms. No. 898, dated 29-8-1977 for correction of date of birth one has to approach the authorities concerned within three years from the date of issuance of certificate. Though the petitioner had passed S.S.C.in the year 1977, he has approached the respondent in the year 1992 and that too on the basis of the judgment of the learned Subordinate Judge, Suryapet, Nalgonda, which judgment though declare the date of birth as 17-11-1964, however, there is no positive direction to correct the date of birth of the petitioner was given to the officials of the Education Department. Therefore, no relief as prayed for by the petitioner can be given.

Accordingly, the Writ Petition is dismissed. No order as to costs.

However, it is represented by the learned counsel for the petitioner that the original S.S.C. certificate is lying with the respondent and the same may be returned back to the petitioner. Hence, the respondent is directed to return the S.S.C. certificate, if any lying with it, to the petitioner by registered post forthwith.

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N.V.Ramana, J.

12th August, 2004.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Director of School Education,
   Saifabad, Hyderabad.

2. 2CCs to G.P. for School Education, High Court Buildings, Hyderabad(OUT).

3..2CD copies

**THE HON'BLE MR JUSTICE N.V. RAMANA**

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**12th August, 2004.**